IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 25880 of 1997

Between:

Sheik Hussain, S/o Sri.Sheik Chand,
Nizamabad.

..... PETITIONER

AND

1 The Vice Chairman & Managing Director, A.P.State Road Transport Corporation, Charminal 'X' Roads, Musheerabad,
Hyderabad.
2 The Depot Manager, A.P.S.R.T.C.,
Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to graciously issue an order, direction or a writ more particularly one in the nature of "WRIT OF MANDAMUS" directing the 1st respondent to pay back-wages for the period 30-10-83 (i.e., from the date of removal) to 10-7-93 including revision of wages of wages during the said period and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.S.RAVINDRANATH

Counsel for Respondents : MR.V.T.M.PRASAD

The Court made the following :

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ORDER:

Heard Sri S. Ravindranadh, learned counsel appearing for the petitioner and also Sri V.T.M. Prasad, learned Sanding Counsel appearing on behalf of the respondent-Corporation.

Petitioner, who is working as Conductor, files this Writ Petition, inter alia, seeking Mandamus for direction to pay back wages for the period from 30.10.1983 i.e. from the date of removal till 10.7.1993, including revision of wages during the said period.

The case of the petitioner is that having been appointed in the year 1979, he was discharging his duties without any break. However, in a check, which was conducted on 14.7.1983 on the ground that he was committed some irregularities, a charge sheet was issued on 20.7.1983 followed by a removal order on 31.10.1983, after the enquiry. The petitioner filed a representation and the same was rejected and, ultimately, the matter was referred to the Labour Court at the instance of the petitioner under Section 2 (a) (ii) of the Industrial Disputes Act, and the same was taken up as I.D.No.316 of 1983 on the file of the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad, which after conducting enquiry passed an award dated 10th July, 1987 reinstating the petitioner into service, without any back

wages. The said award to the extent of denial of back wages, was assailed by way of a Writ Petition earlier by the petitioner in Writ Petition No. 6514 of 1988, and the same was disposed of on 6.9.1991 and against which, a regular appeal was filed by the petitioner and the division bench of this court, as per orders in W.A.No. 1431 of 1996 dated 12.12.1996, confirmed the said order, however, leaving it open to the petitioner to approach the management with a specific direction that it will be appropriate, however, to add to the observations of the learned single judge that in case any representation is made by the petitioner in respect of the claim of back wages, the management would consider the same in accordance with law. Thereupon, the petitioner submitted his representation dated 20.2.1997 followed by a notice dated 3.7.1997 through lawyer. Ultimately, the second respondent passed the impugned order dated 10.09.1997 rejecting the claim of the petitioner for back wages, only on the ground that as per the rules in force the petitioner is not entitled for any back wages.

Having heard the learned counsel appearing on either side and also on perusal of the material, the only question that calls for consideration is as to whether the impugned order rejecting the claim of the petitioner for back wages, as directed by this court, is sustainable?

There is no dispute to the fact that the petitioner is working as Conductor and in respect of certain allegations followed by disciplinary enquiry, he was sought to be removed, but on raising of Industrial Dispute in I.D.No. 316 of 1983, ultimately, the petitioner was reinstated, though without back wages. To this extent, the petitioner sought to make a challenge to this court and the matter having gone up to the Division Bench, this court disposed of the same with a direction to approach the Management for consideration with regard to grant of back wages. On a representation filed by the petitioner and also the notice, the same was rejected. On the face of it, the impugned order is not only a laconic but also restricted to one sentence which reads as follows:

“as per the rules in force, the petitioner is not entitled to any back wages.”

It is needless to mention that at this hour, the authority cannot pass such laconic orders without giving any reasons. If at all the petitioner is not entitled to any relief, the same has to be supported by necessary reasons, therefore, the impugned order neither gives any reason as to why the petitioner is not entitled nor quotes any

particular rule which does not entitle the petitioner for such back wages. Except taking shelter under the vague rules, the respondents are not specific in regard to such rejection. In view of the same, the impugned order is totally arbitrary and is liable to be set aside.

Accordingly, the Writ Petition is allowed and the impugned order is set aside. The matter is remitted back to the respondents to pass fresh orders on merits in accordance with law, after giving notice and opportunity to the petitioner. The entire exercise shall be done within a period of two months from the date of receipt of a copy of this order. No costs.

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B. PRAKASH RAO,J

DATED: 09.02.2005.

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday, The Ninth day of February Two Thousand and Five.

To

1 The Vice Chairman & Managing Director, A.P.State Road Transport Corporation,
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Hyderabad.
2 The Depot Manager, A.P.S.R.T.C.,
Nizamabad.

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